**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DENNIS SHIPMAN, et al.,

    Plaintiffs,

        v.

ALDO GELSO, et al.,

    Defendants.

CIVIL ACTION NO. 3:11-CV-1162

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

MEMORANDUM ORDER

In a November 15, 2011 Order, I adopted in part and rejected in part Magistrate Judge Smyser's Report and Recommendation and held that Plaintiffs pleaded a viable negligence claim against the Pennsylvania Human Relations Commission ("PHRC") Defendants.[1] In a subsequent Report and Recommendation, which is currently pending before the Court, Magistrate Judge Smyser recommended that the negligence claim be dismissed as to Aldo and Gnu Gelso, but recommended denying the Gelsos' Motion to Dismiss in all other respects. No party has objected to the Report and Recommendation and, upon reviewing it for clear error, it will be adopted.

Instead, the *pro se* Plaintiffs have filed a Request for Clarification (Doc. 23), which in particular seeks assurance that their negligence claim against the PHRC Defendants withstood Magistrate Judge Smyser's most recent Report and Recommendation. In response, the Court confirms that, following the entry of the following order, Plaintiffs'

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[1] For more detailed background on this matter, *see Shipman v. Gelso*, 3:11-CV-1162, 2011 WL 5554252 (M.D. Pa. Nov. 15, 2011).

negligence claim against the PHRC Defendants[2] still stands, and is the only claim pending against those Defendants. As to the Gelsos, Plaintiffs' claims solely under the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, and the Pennsylvania Human Relations Act, 43 P.S. § 955, will be allowed to proceed.

      An appropriate order follows.

 June 5, 2012   /s/ A. Richard Caputo
Date   A. Richard Caputo
                                           United States District Judge

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[2]Specifically, the PHRC Defendants are employees of the Pennsylvania Human Rights Commission and include Jinada Rochelle, Christine Rice, Tiffany Epoca, Homer Floyd, and Steven A. Glassman.